

**Wittels  
McInturff  
Palikovic**

May 20, 2024

**Via ECF**

The Honorable Allyne R. Ross  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Mirkin, et al. v. XOOM Energy, LLC, et al., No. 18 Civ. 2949 (ARR) (JAM)**

Dear Judge Ross,

On behalf of Plaintiff and the Class, we write to notify you that the following items were filed under seal earlier today in the above-captioned action in unredacted form, and served via email on defense counsel:

1. Plaintiff's Motion *in Limine* to Exclude the Testimony of David Coleman, dated May 20, 2024;
2. The Declaration of Ethan D. Roman in Support of Plaintiff's Motion *in Limine* to Exclude the Testimony of David Coleman, with exhibits thereto, dated May 20, 2024;
3. Plaintiff's Motions *in Limine*, dated May 20, 2024; and
4. The Declaration of Ethan D. Roman in Support of Plaintiff's Motions *in Limine*, with exhibits thereto, dated May 20, 2024.

ECF 219–20, 222, 224 (filed under seal).<sup>1</sup>

Because these filings contain and reference materials designated Confidential or Highly Confidential under the parties' protective order in this case, ECF 48-1, Plaintiff filed these documents under seal to provide defense counsel time to assess whether redactions and/or sealing are needed before they become publicly available. Defense counsel expects to complete this task next week, and Plaintiff will either file redacted versions of the motions or file the motions on the public docket, depending on the outcome of defense counsel's assessment.

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<sup>1</sup> Plaintiff's notices of motion were filed on the public docket. See ECF 218, 221.

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Thank you for the Court's attention to this matter.

Respectfully Submitted

/s/ Ethan D. Roman

Ethan D. Roman

*Class Counsel for Plaintiff and the  
Class*

cc: All Counsel of Record (*via ECF*)